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### EXHIBIT A

(Plaintiff's grievance submitted to Superintendant Wolfe on July 23, 2003)

When I would begin to protest their orders I was immidiately scolded and threatened with a misconduct for refusing to obey an order. This office used repeated profanity, toward me and told me to "get used to this type of treatment because their would be much more of it after I got to a llion."

Shorthy ofte this incident I was handcuffed and placed in another cell with the rest of the immates awaiting transfer. at that time the correctional officers who calling the mames of immates who were ordered to leave the cell and state their prison identification number as they were leaving. When the officer called may mame I was told "don't say amouthing, I already hnow you mumber."

I was then placed on the low with the rest of the immates and subsequently animal at I. (I. Houtzdale a fiter the and subsequently animal as I. (I. Houtzdale a fiter the limit is a low about the low of housed at Houtzdale exited the line is was asked by an office "Kerwin, you headed for a line right?" When listated "riges" the low officers began to mumble with

each other and then laugh our loud.

Since animing at allion this trype of treatment has progressed considerably. It morning of my first full day in this institution I was called down to see the psychiatries in the education building. When I approached the education building door I was stopped by two officers who stated that "theripe already heard about me" and that "I looked like a troublemake," among other things. They also stated that "I would be picking up trash by the end of the week." Not coincidentally I was forced to pick up trash today on 7/23/03.

also today, ofte Irealfast, I was pulled over outside of the show hall and patted down in an inappropriate manner. Buring that pat down I was verbally harrassed by three officers one of which repeatedly instructed the other officers the "hook my up with a write-up" and to "just make up a reason". This is only some of the harrasment I have been firred to endure during in only or 7 day period of time.

On 7/22/03 I was called not mr. I howers office because of a grievance I had filed about being threatened into signing a cell card contract and another for being celled with an immate who smokes and for folling off the top brink twice due to the absence of safety bars. During that meeting I was told by mr. I howers that he was a forme employee of I (I. I mithfield who known ms. Hannel and ms. I immeriore and that he already beard about the lawcould use preparing to file against

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Smithfield. He also stated that I bette reconsider filing on "I would regret it" and "my officers have no problem dealing with troublemakers."

Just so you know, Smithfield intercepted an affidant I signed for immate Justin (orlies, an immate who has a pending laws appears Smithfield, regarding the obfice elicited assaults that took place there. In next morning Mr. (orlies was transferred our of the prison and I was moved off of the block. also, on July 10, 2003 several witness officianite regarding my suit were illegally seized from the immate who was collecting them for me.

ate in special to be to intelligible intends to do everything, in its of any power to be to it that my laward against the prison is apparently part of limith-filed. My transfer to this prison is apparently part of limith-field plan to prevent me from obtaining affidents from my without the prevent we are allowed in your prison have been given instructions to alues and harass my in retaliation for attempting to file my kind, mr. I howers comment certainly confirms this

It is now duty to protect my from the officers of this since of the a civil action retaliation does not got primediately surely file a civil action against this prison under section § 1983, 1985, and 1986 for cruel and unusual purishment and conspiracy to violate constitut—tonol rights. I suggest that you tall this seriously because I am very serious.

This type of claim qualifies me for immediate injunctive

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relief so I will not land to exhaust you pathetically unjust institutional remedy procedures before filling suit. a st now or I will sue. If your institution begins fabricating misconducts now then it will only further my sause so I suggest that you don't do it. I have retained a sopy of this notice and I await your response.

not: Il second I finished writing this complaint I was
again singled out and punished by the bloch officers.

I was been outside to mour the grass while every other
what in the joil was allowed to go to rigard and
blockous I'm now ever about to got into the specifics
surrounding the situation because I'm already provided
enough facts to grow what is going on. I gust figured
in world In a good idea to raise the incident for the
necond.

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### EXHIBIT B

(The misconduct the defendant issued plaintiff for filing his grievance against Albion and his lawsuit against Smithfield)

FORM DC	-141 PART 1			•-	OF PENNSYL		A 40	E 0 7 0	
l	DEPARTMENT OF CORRECTIONS A 495879  **MISCONDUCT REPORT - OTHER - DC-ADM 801 INFORMAL RESOLUTION								
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		OTHER INMATES OR ST	AFF IN	VOLVE	D OR WITNESS	ES (CHECK	OR W)		
DC Num	ber	Name	ī	w	DC Number		Name		ı w
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SIGNATURE AND TITLE RANKING C.O. ON DUTY SIGNATURE AND TITLE DATE TIME 24 HOUR BASE									
YOUR	YOUR HEAPING MAY BE SCHEDULED ANY TIME AFTER Signature of Person Serving Notice								
	DATE	TIME		<u> </u>	CONDUCT CATEGO	URY	o LON		
	(129.03) (190) D CLASS 2 John COLT								
say will be us hearing com	NOTICE TO INMATE  You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law, if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have will be removed.								
are round gu	inty of a Class 1 miscond	uci, any pre-release status you	nave wil	De ren	novea.				<del></del> -

YELLOW --- Inmate

PINK Reporting Staff Member

GOLDENROD — Deputy Superintendent Facility Management

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are found gu	· <del></del>	luct, any pre-release status – Inmate PINK — R	you have will eporting Sta		<del></del>	NROD — Den	tv Superintendent	Facility Manage	ment

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### EXHIBIT C

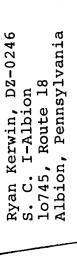
(Letter from Huntingdon County Courthouse)

JUDGE'S CHAMBERS

COURTHOUSE HUNTINGDON, PA 16652



16475-0002



### EXHIBIT D

(Order granting plaintiff leave to proceed in forma pauperis in his suit against Smithfield)

## IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

#### CIVIL DIVISION

RYAN KERWIN,

Plaintiff:

vs.

: NO. 03-1027

BEN VARNER, et al.,

Defendants:

#### ORDER

AND NOW, this 22nd day of August, A.D., 2003, It is the Order of this Court that the request of Ryan Kerwin, DZ-0246, to proceed in forma pauperis is granted. It is the further Order of this Court that Plaintiff shall furnish to the Prothonotary ten (10) copies of the complaint in order for service to be effectuated by the Sheriff.

BY THE COURT,

Ryan Kerwin

NOTICE OF ENTRY OF CROSS OR DECREE PURSUANT TO FALE. C. R. NO. 203 NOTIFICATION - THIS DOCUMENT HAS BEEN FILED IN THIS CAUSE PROTHONOTARY HUNTER CLOSE OF TO THE DATE:

AUG 2 2 2003

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### EXHIBIT\_E

(Affidavit of William Clark)

DECLARATION OF	WOTKAM CLARK
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While detained in the holding cells of S.C.I. Smithfield awaiting transfer to S.C.I. Albion, I met an inmate named Brian Kerwin. During a strip search, prior to transfer, I observed an Albion officer (who was strip searching inmate Kerwin) harass Kerwin for no apparent reason during the search.

This officer seemed to find humor in ordering Kerwin to lift his genitals and spread his buttocks "wider" numerous times. The officer even ordered Kerwin to allow him to look into his nose.

When Kerwin would try to protest this abuse, the officer would yell at him and threaten him with a misconduct for refusing to obey an order. The officer even cursed at him and at one point said "Get used to this type of treatment because there would be more of it after you get to Albion".

After the strip search, myself, inmate Kerwin, and several other inmates were placed in another cell to await transfer. At that time correctional officers were calling the names of inmates who were ordered to leave the cell and state their prison identification number as they were leaving. When the officer called Kerwin's name, he was told "Don't say anything, I already know your number", in a very sarcastic manner.

I was subsequently placed on a bus with Kerwin and several other inmates and later arrived at S.C.I. Houtzdale. After the inmates who were to be housed there exited the bus, I heard a bus officer ask Kerwin if he was headed for Albion. When he stated yes, the bus officers began to mumble with each other and then laugh out loud.

The morning of my first full day at Albion, I was called down to see the psychiatrist at the education building along with Mr. Kerwin. When we approached the building door, Kerwin was stopped by two officers who told him "they heard all about him", and that he "looked like a trouble maker". I also heard them tell him "he would be picking up trash by the end of the week".

I was subsequently interviewed by Lt. McConnell regarding the forementioned incidents and I told hime exactly what I have testified to in this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

William Clark

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### EXHIBIT F

(Plaintiff's misconduct witness form)

DC-141 PART 2A COMMONVEALTH OF PENNSYLVANIA  MATTHER PROJECT FOR PROPERTY OF PENNSYLVANIA  DEPARTMENT OF CORRECTIONS  Name  No. Quarters  No. Quarters					<b>3</b>		100	· 	
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DC Number    Date	INMATE REQUEST F		<b>.</b>	DEPARTM	IENT O	F CORRECT	TIONS		
You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.  In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.  Assistance:    I do not request assistance by		AND WITHEOOLO				lı lı	nstitution	Date	Number as on Part I
completing the section(s) below. In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 90.00 a.m. the first working day after you receive notice of the misconduct.  Assistance:    I do not request assistance   I request assistance   I request assistance by. (The person requested must be willing to assist you)  Witnesses: You may request witnesses in accord with DCADM 901. State the relievance and importance of the testimony the witness will give    If Inmate   DONOT WRITE IN THIS SECTION   Fir Use by Hearing Examiner	DZ 0246	KERWIN R	NAN			SCI-1	allow	81262	A- 495879
Irequest assistance by (The person requested must be willing to assist you)   You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give   1. Name of Witness:	completing the	e section(s) belove assistance o	ow. r witnesses a	at your hea	iring, yo	ou must coi	mplete this for	rm and present	all copies to one of
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### EXHIBIT G

(Plaintiff's misconduct disposition form)

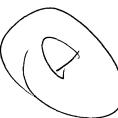
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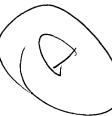
Case 1:05-cv-00093-SJM Document 57-2 Filed 03/21/2006 Page 19 of 43

### EXHIBIT H

(Letter from Huntingdon County Courthouse)









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### EXHIBIT I

(Sheriff's Return of Service forms in Smithfield suit)



Filed 03/21/2006

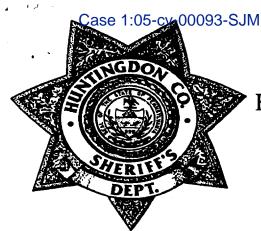
# HUNTINGDON COUNTY, PENNSYLVANIA

Ryan Kerwin		
	NO. <u>1027</u>	TERM <sub>2003</sub>
VS:	_	
Ben Varner, Sue Hannah, and George Weaver		
	<u> </u>	
NOW, <u>September 11</u> , 2003, AT 08	345 A.M./P.M. I SER	VED THE WITHIN
Notice to Defend and Complaint		UPOI
Ben Varner, Sue Hannah, and George Weaver		A
SCI-Smithfield, 1120 Pike Street, Huntingdon, PA 1665	2	
BY HANDING TO Lisa Hollibaugh, Superintendant's		
one TRUE AND CORRECT COPY/COPIES O		efend and Complaint
		DE KNOWN TO Lisa
THE CONTENTS		Lisa Lisa
SWORN AND SUBSCRIBED TO BEFORE ME THIS	SO ANSWERS,	Chil Atom
DAY OF	William	6 Walter
	WILLIAM G.	WALTERS, SHERIFF
PROTHONOTARY/NOTARY PUBLIC	Deputy Daniel B. McCartne	v.
	CHIEF DEPUTY/DE	PUTY
	COSTS:  REC & DOC  SERVICE	Hunt Co. Costs \$203.00
	MILEAGE/POSTAGE . SURCHARGE	Cumb. Co Costs
•	AFFIDAVIT	N/A Total Co. Costs
	TOTAL COSTS	\$203.00 Indigent



# HUNTINGDON COUNTY, PENNSYLVANIA

Ryan Kerwin	<del>-</del>	
	NO. <u>1027</u>	TERM 2003
VS: Sharon Burks	- - -	
NOW, September 11 , 200	- - <b>)3</b> , I AM UNAE	BLE TO LOCATE THE WITHIN
NAMED DEFENDANT, Sharon Burks		, WITHIN MY BAILIWICK, I
RETURN THIS Notice to Defend and Co	mplaint	
"NOT FOUND". REASON UNABLE TO SER'  Central Office  SWORN AND SUBSCRIBED TO BEFORE ME THIS	SO ANS	wers,
DAY OF 20, A.D.	•	Clean 6 Walters M G. WALTERS, SHERIFF
PROTHONOTARY/NOTARY PUBLIC	Deputy CHIEF	Daniel B. McCartney
	RETUF MILEA	<del></del>
	TOTA	L COSTS See First Entry



# HUNTINGDON COUNTY, PENNSYLVANIA

Ryan Kerwin	_		
	NO. <u>1027</u>	TERM 200	13
vs: Dr. McGarvie	<u>-</u> -		
	- -		
NOW, September 11 , 200	O3 , I AM UNA	BLE TO LOCATE T	HE WITHIN
NAMED DEFENDANT, Dr. McGarvie		, WITHIN MY BAI	LIWICK, I
RETURN THIS Notice to Defend and Cor	mplaint		
"NOT FOUND". REASON UNABLE TO SERV	/E: No such Doctor v	vorks there with t	he name
SWORN AND SUBSCRIBED TO			,
BEFORE ME THIS DAY OF 20 , A.D.	SO ANS	vers, Cliam 6 A	latter
<del></del> ·	WILLIA	M G. WALTERS, SI	HERIFF
PROTHONOTARY/NOTARY PUBLIC	Deputy CHIEF	/ Daniel B. McCa	rtney
	COSTS: REC RETUR MILE	S DOC RN NOT FOUND AGE/POSTAGE HARGE DAVIT	See  First  Entry
	TOTA	L COSTS Se	ee First Entry



Filed 03/21/2006

# HUNTINGDON COUNTY, PENNSYLVANIA

Ryan Kerwin			
	NO. 1027	TERM 2003	-
VS: effrey Beard, John McCullough, Thomas	•		
ames, Tshanna Kyler, and Kristen Kersin			
NOW, September 15 , 2003	, I AM	UNABLE TO LOCATE THE WIT	HIN
NAMED DEFENDANT, Jeffrey Beard, John McCullough, Thomas J	iames, Tshanna Kyler, and i	Kristen , WITHIN MY BAILIWICK	ζ, I
RETURN THIS Notice to Defend and Comp	olaint		
"NOT FOUND". REASON UNABLE TO SERVE	: Cumberland	County Sheriff's Office	
recieved document's too late for service			
SWORN AND SUBSCRIBED TO BEFORE ME THIS	. so	ANSWERS,	
DAY OF 20 , A.D.		Welliam & Walte	W)
	WII	LLIAM G. WALTERS, SHERIFF	
PROTHONOTARY/NOTARY PUBLIC	Se CHI	cretary Nicole L. Erwin	
	F R M S A	ETURN NOT FOUND.  ILEAGE/POSTAGE . F  URCHARGE	See  irst  ntry
	7	OTAL COSTS See First E	ntry

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#### EXHIBIT J

(Plaintiff's second misconduct)

FORM DC-14	1 PART 1	COMN	MNON	EAL	TH C	OF PE	NNSYL	VANIA	• • • •	0700	
Rev 3/00							RECTION	<del>-</del>	<b>A</b> 43	6/23	
LZ	DUCT REPOR			DC-A				L RESOLU		<del></del>	
DC Numbe			50	stitutio	on		nt Time 2	4 Hr. Base	Incident Date 9-22-03	9-22-0	port 3
DA 62	Place of Inci	dent DayRoom	OFF	CEIL	25	DES	K				
		OTHER INMATES						ES (CHECK	I OR W)		
DC Numbe	r	Name		ı	w	DC N	umber		Name		ı w
<u> </u>											
				•	-			<del>                                     </del>			
									<u></u>		+-
MISCONDU	CT CHARCE OR	OTHER ACTION			<u></u>	<u></u>	+	<u> </u>		4.1	
		OTHER ACTION									272
SAVETION		BEFAKING 13	_							ليو <i>10 70</i>	
	BER'S VERSION		7100	SERVE.	€ /A.	/	LWAU	THOPIZED	HACH	<del></del>	
<del></del>				<u> </u>				2-2022	7/1/2 050		
		SOUE DATE									71
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		NMATE KE									
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J 27 /		S I WAS,							_		
		HIS CELL	_			_					
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HNI) AT	THE SAM	E TIME PLA	CES		M 5E	est 1	IN A	N UNA	)THORIZED	AREA .	
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IMMEDIATE	ACTION TAKEN	AND BEACON									
IMMEDIALE	ACTION TAKEN	AND REASON	1/2/		-	1,5-7	1.10			/	
205	-HEARING CON	EINEMENT	<u> </u>	$\frac{\mathcal{O}(f)}{f}$	0//	10 6 77.	iar z	College Co	<u> </u>	el	
- PRE		YES	-	<u> </u>	Jan.	7.14	<u> 18 18)</u>	<u> </u>	o mar	cour	<del></del>
□ VEC	TIME	DATE	4	1		12	Steel	1126	man-	<del> </del>	
□ YES			1-4	<u> </u>			FOR	MS GIVEN TO	INMATE		
⊠ NO REI	PORTING STAFF N	IEMBER I					IESSES A	ND REPRESE	NTATION []	NMATE'S VERSI	
	SIGNATURE AND T		RANKIN					RE AND TITL		TIME 24 HOUR E	
KIM	A Co	1	20	1/0		7.5.1		100	9.22.03	2038	
YOUR HE	DATE	CHEDULED ANY TIM	E AFTER		MIS	CONDUC	T CATEG	ORY	Signature of Persor	ı Serving Notice <> >	<b>}</b>
9	23-03	2038			Jer o	CLASS 1	☐ CLA	ISS 2	nor Les	Col	
You are schedul	ed for a hearing on ti	he allegation on the date	and fime			NMATE		nossible Your	nay remain eilent if you	wish Anuthing	VOU
say will be used	against you both at t	the misconduct hearing	and in a c	ourt of	law, if t	this matter	is referred	for criminal pr	osecution. If you choo	se to remain silen	nt, the
		e your silence as evidence duct, any pre-release sta					you wish to	o remain silent,	you will be asked no f	urtner questions.	ir you

WHITE - DC-15

YELLOW — Inmate

PINK — Reporting Staff Member

GOLDENROD — Deputy Superintendent Facility Management

### EXHIBIT K

(Plaintiff's second misconduct disposition form)

DC-141	Part 2B		СОММС	NWEALTH C	F PENNSYLVANIA		· · · · · · · · · · · · · · · · · · ·
Rev. 6-84	HEARING REF	PORT	DEP	ARTMENT OF	CORRECTIONS		
DC Number	TILAKING KEI	Name		Facility	Hearing Date	Hearing Time	No. from Part 1
DZ 024/k	$\mathcal{L}_{\mathbf{v}}$	, WIN		SCIA	25 pert 03	110.0	A436723
	Guilty	<del>~~~~</del>	☐ No Plea		Guil	<del></del>	11.130125
INMATE PLEA	□ Not G	*	☐ Other	,	Verdict	Guilty	
	iln	4-11-		HEARING	ACTION		
CHARGES	#35	#43		÷.			
FINDINGS	OF FACT, VE	RDICT, AND	SANCTIONS	IMPOSED	116.		
Thur.	ASKE "1	D CMTE	ST 70 AU	CHARGES	"(Guic zy)		
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1				**************************************	)		
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				SAVCM	) 30 DAYS CE	UNESTECH	
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					Lamori Inom	501)	
						3	
1							
						· <del> , - , - , - , - , - , - , - , - , </del>	<del> </del>
Z YĘS	□ NO	The inmate	has heard the	e decision and	has been told the reason	for it	
YES	□ NO	and what w The circum		charge have t	peen read and fully explain	ned to	
☐ YES	□ NO	the inmate.			version reported as part of	SEE	APPENDICES
7 YES	- NO	record was	given.		•	İ	J
G 7E5	□ NO		be submitted		n 15 days a request for a f request must contain sp	/ 1	
NAME(S)	OF HEARING (TYPED C	EXAMINER OR PRINTED			g Report and all appende		e signed. Signature
+.1.	o RM	\		$\int \int J_i d$	My May		
	IKY DIKE	UE11		SIGNAT	URE OF HEARING EXAMINE	R/COORDINATOR	
WHITE - DC-1	5 YELLO	OW - Inmate C	ited PII	NK - Staff Memb	er Reporting Misconduct	GOI DENROD - n	Ionutu Suporintandant

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### EXHIBIT L

(Plaintiff's first green sheet from parole)



# COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

1101 S. Front Street Harrisburg, Pa. 17104 - 2519

#### NOTICE OF BOARD DECISION

NAME: RYAN KERWIN INSTITUTION: SCI - ALBION PAROLE NO: 494CE INSTITUTION NO: DZ0246

AS RECORDED ON NOVEMBER 05, 2003 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS AMENDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

- -YOUR VERSION OF THE NATURE AND CIRCUMSTANCES OF THE OFFENSE(S) COMMITTED.
- -YOUR LACK OF REMORSE FOR THE OFFENSE(S) COMMITTED.
- -THE RECOMMENDATION MADE BY THE PROSECUTING ATTORNEY.
- -THE RECOMMENDATION MADE BY THE DEPARTMENT OF CORRECTIONS.
- -REPORTS, EVALUATIONS AND ASSESSMENTS CONCERNING YOUR PHYSICAL, MENTAL AND BEHAVIOR CONDITION AND HISTORY.
- -YOUR INSTITUTIONAL BEHAVIOR, INCLUDING REPORTED MISCONDUCTS OR CCC FAILURE.
- -YOUR INTERVIEW WITH THE HEARING EXAMINER AND/OR BOARD MEMBER.

YOU WILL BE REVIEWED IN OR AFTER OCTOBER, 2004.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE RECEIVED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE (CONTINUE ON PAGE 2)

CLIENT COPY RYAN KERWIN DZ0246 10745 ROUTE 18 ALBION, PA 16401

16401

11/10/00

Notice of Board Decision PBPP 15(08/02) 1 of 2

### EXHIBIT M

(Plaintiff's second green sheet from parole)



### COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

1101 S. Front Street Harrisburg, Pa. 17104 - 2519

#### NOTICE OF BOARD DECISION

NAME: RYAN KERWIN

INSTITUTION: SCI - ALBION

PAROLE NO: 494CE

INSTITUTION NO: DZ0246

AS RECORDED ON OCTOBER 29, 2004 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS AMENIDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTER ESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

- -YOUR VERSION OF THE NATURE AND CIRCUMSTANCES OF THE OFFENSE(S) COMMITTED. -REPORTS, EVALUATIONS AND ASSESSMENTS CONCERNING YOUR PHYSICAL, MENTAL AND BEHAVIOR CONDITION AND HISTORY.
- YOUR INSTITUTIONAL BEHAVIOR. INCLUDING REPORTED MISCONDUCTS.
- -YOUR INTERVIEW WITH THE HEARING EXAMINER AND/OR BOARD MEMBER.

YOU WILL BE REVIEWED IN OR AFTER OCTOBER, 2005.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE SUCCESSFULLY COMPLETED A TREATMENT PROGRAM FOR: PRESCRIPTIVE PROGRAM PLAN.

WHETHER YOU HAVE RECEIVED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE

(CONTINUE ON PAGE 2)

CLIENT COPY RYAN KERWIN DZ0246 10745 ROUTE 18 ALBION, PA 16401

Case 1:05-cv-00093-SJM Document 57-2 Filed 03/21/2006 Page 34 of 43

### EXHIBIT O

(Plaintiff's Cumulative Adjustment Record)

DC-14

# CUMULATIVE ADJUSTMENT RECORD

NT RECORD DEPARTMENT OF CORRECTIONS

COMMONWEALTH OF PENNSYLVANIA

SC(A)
Facility

>

FACILITY NUM	BER PBP NUMBER NAME
PSOST	OBSERVATION
DATE	
7-15-03	Red on I this date Kersey DINING HALL WIS
7-23-03	DO NOT TO GOT UP AND ROOM ATTENDED DIO OFR GRIBBNER
7.23.03	I/m has a Poor Attictude and has Tierbiers
7.29.03	received DIA, record copy unit rules. co, bould

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### EXHIBIT P

(Albion block rules)

### **B Unit Rules**

### It is your responsibility to read and follow the unit rules.

#### I. MOVE TIMES

- 1. Block out hours are as follows:
  - 10:00 AM to 10:30 AM Yard returnees only, you must turn your I.D. into the unit officer. If you go in your cell, you are not permitted back out.

    1:15 PM to 3:30 PM (Block out begins when yard is called.)

    6:00 PM to 9:00 PM (Block out begins when chow hall is secured.) You must be in your cell with your door SHUT by 9:00 PM
- 2. Move times announced by Control are five minutes in length. Block moves are called and terminated by unit officers. Moved to Dining hall and yard are called by Unit Officer and are to be made quickly and quietly.
- 3. All movement (worker, call-outs, activities) must be made within five minutes of the announcement. If you do not move within the five-minute time frame, you will not be permitted to move.
- 4. Request for toilet paper and hot water are to be made during move times only. Requests for paperwork are to be made during block out.
- 5. Yard, work lines and scheduled activities will be announced by Control.
- 6. Read call-out daily. When you are on a call-out, you do not need a pass.
- 7. You are to walk on the right side of the walkway for every move. No running in the unit or walkway.

#### II. COUNT TIME

1. All counts (except for counts between 2200 and 0600 hours.) are standing counts. Ensure that your light is on and that you are standing and visible for count. Dormitory residents must stand by your assigned bed. Failure to do so will result in a misconduct.

#### III. PHONES

- 1. Sign up for phone time (during evening block out but before 8:00 pm). One time slot at 15 minute maximum. You must hang up when 15 minute time slot ends. Incomplete calls are at the unit officer's discretion.
- 2. You must legibly sign your name, number and cell number only.
- 3. No phone sharing (time exchanges or more than one man on the phone).
- 4. Custody level 2 inmates must sign one slot the night before and may request two additional time slots on the day of the call. At unit officer's discretion **NO CONSECUTIVE SIGN-UPS.**
- 5. Custody level 3Y must have prior written approval to receive custody level 2 telephone privileges.
- 6. Telephone Add/Delete forms are to be submitted to the Unit Manager for signature the first five working days of the month only. Telephone forms must have your name, number, housing unit and signature in order to be processed. Failure to submit to the Unit Manager for signature or to complete the form correctly will result in a delay until the next month. One telephone form per month only.

### EXHIBIT Q

(Plaintiff's inmate account statements from September, October and November of 2003)

	Case 1:05-cv	/-00093-SJM	Document	57-2 F	iled 03/21/2006	Page 39 of 43
PAGE 1 D-A-2062			ACCOUNTS SY COUNT STAT			09-08-2003 958 ALB
INMATI NUMBEI DZ024	R LAST	_	FIRST RYAN	MI		OLD BALANCE 152.62
ватсн	DATE					

BATCH	DATE				
#	MO DY YEAR		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
179	08-13-2003	38	INSIDE PURCHASES		
			UPS	-3.45	149.17
181	08-13-2003	38	INSIDE PURCHASES		
100	00 13 0003	25	VENDA CARD	-6.00	143.17
197	08-13-2003	37	POSTAGE	2 23	140.06
8226	08-14-2003	32	ALB COMMISSARY	-2.21	140.96
0220	08-14-2003	34	FOR 8/14/2003	-20.64	120.32
255	08-19-2003	10	MAINTENANCE PAYROLL	-20.04	120.32
233	00-13-2003	10	7/20-8/16/2003 PAY GROUP 3	14 40	134.72
255	08-19-2003	50	ACT 84 TRANSACTION *	14.40	134.72
275	00 17 2005	50	1130/1999 08/19/03	-2.88	131.84
286	08-21-2003	31	OUTSIDE PURCHASES	2.00	152.01
	<b></b>		HOLABIRD SPORTS	-81.90	49.94
8233	08-21-2003	32	ALB COMMISSARY		
			FOR 8/21/2003	-24.74	25.20
304	08-22-2003	13	PERSONAL GIFT FROM		
			KELLER, BERTHA F826189	25.00	50.20
304	08-22-2003	50	ACT 84 TRANSACTION *		
			1130/1999 08/22/03	-5.00	45.20
345	08-26-2003	37	POSTAGE		
				23	44.97
371	08-28-2003	13	PERSONAL GIFT FROM		
			MARCHIONE, CHRISTINE F827326	300.00	344.97
371	08-28-2003	50	ACT 84 TRANSACTION *		
			1130/1999 08/28/03	-60.00	284.97
8240	08-28-2003	34	ALB CABLE TV		r
			FOR 8/28/2003	-11.25	273.72
393	08-29-2003	37	POSTAGE		
			,	37	273.35
8246	09-03-2003	32			
446	09-04-2003	<b>1</b> 4	FOR 9/03/2003	-31.84	241.51
446	09-04-2003	14		7.00	040 51
			HOLABIRD SPORTS F820626	7.00	248.51

NEW BALANCE AS OF THIS STATEMENT ----> 248.51

	C	Case 1:	05-cv	v-00093-SJM	Docum	ent 57-2	Filed 03/21/2006	Page 40 of 43
PAGE	1				ACCOUNTS			10-13-2003
D-A-2	062			MONTHLY A	CCOUNT S	PATEMENT		953 ALB
	NMATE	NAME						
	UMBER 20246	LAST KERWI	N		FIRST RYAN	MI		OLD BALANCE 248.51
<b>D</b> .	20240	KEKWI		•	(IAI)			210.31
BATCH		TE						
#	MO DY	YEAR		TRANSACTION	DESCRIP.	LION	TRANSACTION :	BALANCE AFTER TRANSACTION
							-210 0111	
8253	09-10	-2003	32				12.00	
8261	00_19	-2003	32	FOR 9/10/20 ALB COMMISS			-13.92	234.59
0201	09-10	-2003	34	FOR 9/18/2			-18.14	216.45
638	09-19	-2003	37	POSTAGE				
							60	215.85
665	09-23	-2003	10	<b>MAINTENANCE</b> 8/17-9/20/03		PAY GROUP-3	3 7.20	223.05
665	09-23	-2003	50	ACT 84 TRANS			7.20	223.05
				1130/1999		09/23/03	-1.44	221.61
8267	09-24	-2003	32	ALB COMMISS				
8268	09-25	-2003	34	FOR 9/24/2			-22.67	198.94
0200	05-25	-2005	3 %	FOR 9/25/2			-11.25	187.69
731	09-26	-2003	37	POSTAGE				
700	10.01	2002	21		7112 CTC		-1.98	185.71
780	10-01	2003	31	OUTSIDE PUR			-26.63	159.08
8274	10-01	-2003	32	ALB COMMISS				207100
				FOR 10/01/2	003		-25.33	133.75
805	10-02	-2003	37	POSTAGE			-4.05	129.70
872	10-08	-2003	39	LEGAL FEES			-4.03	129.70
				US DISTRICT	COURT		-5.00	124.70
878	10-08	-2003	37	POSTAGE			60	124.10
8282	10-09	-2003	32	ALB COMMISS	ARY		00	124.10
				FOR 10/09/2			-17.36	106.74
	•							

NEW BALANCE AS OF THIS STATEMENT -----> 106.74

PAGE D-A-20	1	e 1:05-cv	7-00093-SJM Documen INMATE ACCOUNTS S MONTHLY ACCOUNT STA	YST <b>EM</b>	Filed 03/21/2006	Page 41 of 43 11-07-2003 946 ALB
NU	MBER L	ame Ast Erwin	FIRST RYAN	MI		OLD BALANCE 106.74
BATCH #	DATE MO DY Y		TRANSACTION DESCRIPTION	ON	TRANSACTION :	BALANCE AFTER TRANSACTION
932	10-15-2	003 37	POSTAGE			
0000					60	106.14
8289	10-16-2	003 32	ALB COMMISSARY FOR 10/16/2003		-35.16	70 00
966	10-17-2	003 38	INSIDE PURCHASES		-35.10	70.98
			UPS		-3.22	67.76
985	10-20-2	003 13	PERSONAL GIFT FROM	<b>640</b> FF0F		
985	10-20-2	003 50	MARCHIONE, CHRISTINE ACT 84 TRANSACTION *	G435595	300.00	367.76
				10/20/03	-60.00	307.76
999	10-20-2	003 37	POSTAGE			
999	10-20-2	003 37	POSTAGE		-2.90	304.86
	10-20-2	003 37	FOSIAGE		60	304.26
1006	10-21-2	003 10	MAINTENANCE PAYROLL			301120
1006	10 01 0			Y GROUP-3	7.92	312.18
1006	10-21-2	003 50	ACT 84 TRANSACTION * 1130/1999	10/21/03	-1.58	210 60
8295	10-22-2	003 32	ALB COMMISSARY	10/21/03	-1.56	310.60
			FOR 10/22/2003		-21.73	288.87
1057	10-24-2	003 37	POSTAGE			
1090	10-28-2	003 37	POSTAGE		-1.06	287.81
					60	287.21
8303	10-30-2	003 32	ALB COMMISSARY			
8303	10-30-2	003 34	FOR 10/30/2003 ALB CABLE TV		-24.37	262.84
0505	10-30-20	003 34	FOR 10/30/2003		-11.25	251.59
8309	11-05-2	003 32	ALB COMMISSARY			
1219	11-06-2	002 27	FOR 11/05/2003		-30.39	221.20
1417	TT-00-2	003 37	POSTAGE		60	220.60

NEW BALANCE AS OF THIS STATEMENT -----> 220.60

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN KERWIN,	)
Plaintiff,	)
v.	) Civil Action No. 05-93 Erie
WILLIAM McCONNELL,	)
Defendant.	)

#### **DEFENDANT'S ANSWER TO COMPLAINT**

AND NOW, comes the defendant, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Kemal Alexander Mericli, Senior Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and files the following answer to plaintiff's complaint:

#### **FIRST DEFENSE**

Defendant responds to plaintiff's factual allegations as follows:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.
- 4. Admitted.
- 5. Denied.